

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Crl.MC.No. 465 of 2006()

CC.98/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR
CRIME NO.976/2004 OF THRISSUR EAST POLICE STATION
.....

PETITIONER: 2ND ACCUSED

RAMAKRISHNAN.K.G,
AGED 48 YEARS, S/O.GOPALAN,
KANAKKATTIL HOUSE, THANISSERY DESOM,
THRISSUR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANTS

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, ERNAKULAM.

2. K.SADEERAJAN,
AGED 45 YEARS, S/O.P.A.KUNJU,
ALAPPATTU TRAVEL CORPORATION,
DIVANJI MOOLE, THRISSUR.

BY ADV. SRI.K.B.MOHANDAS
SRI.LELLULAL T.G.THUNDATHIL
PUBLIC PROSECUTOR SRI.SU NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.465 of 2006

Dated this the 1st day of February 2007

O R D E R

The petitioner is the second accused in a prosecution initiated against four accused persons for offences punishable under Sections 465, 467, 468, 420, 406 read with 120B I.P.C. The petitioner has initiated a prosecution under Section 138 of the Negotiable Instruments Act against the defacto complainant. After the initiation of the said prosecution, the defacto complainant/the accused in the 138 prosecution has filed a complaint before the learned Magistrate which is referred to the police under Section 156(3) Cr.P.C. A crime was registered on the basis of such complaint. After investigation, the police have filed a final report and cognizance has been taken on the basis of that final report. The petitioner has already appeared before the learned Magistrate, it is submitted. Charges have not been framed, it is further submitted.

2. The petitioner has now come to this court with the prayer that powers under Section 482 Cr.P.C may be invoked to quash the proceedings and thus prematurely terminate the

proceedings against the petitioners. The proceedings are not bonafide. There has been no proper investigation. This prosecution is only a counter blast against the petitioner for having initiated the prosecution under Section 138 of the Negotiable Instruments Act, it is submitted.

3. The learned counsel for the petitioner, after discussions at the bar, only prays that the petitioner may be given the right to raise his claim for discharge/acquittal at the appropriate stage before the learned Magistrate.

4. No permission of this court is required for the petitioner to claim discharge/acquittal. He will have all the rights which are available to an indicttee facing prosecution. It shall be open to him to raise all his contentions. Suffice it to say that I do not find any reasons which would justify the invocation of the jurisdiction under Section 482 Cr.P.C.

5. This Criminal Miscellaneous Case is in these circumstances dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006